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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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CARLOS VELASQUEZ,  
Plaintiff,

v.

STATE OF UTAH, et al.,  
Defendants.

**MEMORANDUM DECISION AND  
ORDER OVERRULING OBJECTION**

Case No. 2:18-cv-00728-DN

District Judge David Nuffer

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On March 12, 2019, an order<sup>1</sup> was entered denying Plaintiff Carlos Velasquez’s motion<sup>2</sup> for reconsideration. Although the order noted that Velasquez’s motion was “impermissibly and excessively overlength,”<sup>3</sup> its denial of Velasquez’s motion was not based on this fact. Rather, it was based on the conclusion, formed after careful review and consideration of the motion’s substance, that each of the arguments in the motion was incorrect and without merit.<sup>4</sup>

Velasquez now objects to that order and asks that his earlier motion be allowed despite its length.<sup>5</sup> The grounds for his objection are largely the same as those he previously asserted in his motion for reconsideration: e.g., the order “misrepresent[s] the case and argument,”<sup>6</sup> the court is

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<sup>1</sup> Memorandum Decision and Order Denying Motion for Reconsideration, [docket no. 31](#), filed March 12, 2019.

<sup>2</sup> Request for Reconsideration of a Memorandum of Dismissal, and Order of Cloture, [docket no. 29](#), filed March 8, 2019.

<sup>3</sup> Memorandum Decision and Order Denying Motion for Reconsideration, *supra* note 1, at 2.

<sup>4</sup> *Id.* (concluding that “[e]ach of [Velasquez’s] arguments is incorrect and without merit—as is the Motion also”).

<sup>5</sup> Paper of Objection, Motion to Permit a Prior Motion Overlength (Most Recent Decision), [docket no. 32](#), filed March 14, 2019.

<sup>6</sup> *Id.* at 2:1-2; *see id.* at 4:13-17.

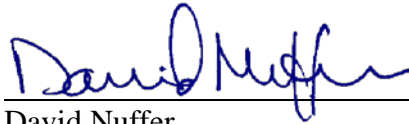
biased,<sup>7</sup> and the court did not exercise diligence.<sup>8</sup> Once again, each of these arguments is incorrect and without merit. Furthermore, given that the denial of Velasquez's earlier motion for reconsideration was based on consideration of the entirety of that motion, despite it being impermissibly overlength, his belated request to allow that motion to be overlength is moot.

### **ORDER**

THEREFORE, IT IS HEREBY ORDERED that Velasquez's objection<sup>9</sup> is OVERRULED, and his accompanying Motion to Permit a Prior Motion Overlength<sup>10</sup> is DENIED.

Signed April 8, 2019.

BY THE COURT:



David Nuffer  
United States District Judge

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<sup>7</sup> *Id.* at 5:5-9, 5:15-18.

<sup>8</sup> *Id.* at 2:10-12, 5:18-6:3, 6:10-13.

<sup>9</sup> [Docket no. 32](#), filed March 14, 2019.

<sup>10</sup> *Id.*